Remarks/Arguments:

Introduction

Claims 1-13 are pending.

Section 102 Rejections

Claims 1, 2, 4, 5, 8, 9 and 11-13 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,063,111 to Hieshima et al (hereinafter "Hieshima"). As noted by the Examiner, the Hieshima reference is applied under the provisions of 35 U.S.C. §102(e), having an issue date subsequent to the filing date of the priority application of the present application, but having a filing date prior thereto.

Submitted herewith is a declaration of the inventor, Scott Smith, pursuant to 37 C.F.R. §1.131. In that declaration, the inventor attests to conception of the invention at a date prior to the filing date of the Hieshima reference and also sets forth evidence which establishes due diligence from a date just prior to the filing of the Hieshima Patent to the filing date of the present application.

Accordingly, it is respectfully submitted that the Hieshima reference should be removed as a cited reference against the claims of the present invention.

Claims 1, 2, 4, 5, 8, 9 and 11-13 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,042,605 to Martin et al. (hereinafter "Martin"). Applicant respectfully traverses.

The invention as presently defined by independent claim 1 is directed to a stent/graft composite device formed from a flat preformed planar strip and stent assembly comprising an

elongate preformed non-textile planar strip of polymeric graft material having first and second opposed surfaces and a planar stent attached onto one of said opposed flat surfaces of said strip to form said flat strip assembly, said strip assembly being helically wound into a continuous tubular structure.

In direct contrast, Martin discloses that a stent wire is to be helically wound around a mandrel to form a tubular stent. (Martin, column 13, lines 12-14). Graft material is also placed over a mandrel to form an inner tubular liner. (Martin, column 14, lines 9-11). The tubular stent is then positioned over the inner liner to form a stent-graft. (Martin, column 14, lines 13-15). A flat ribbon PTFE is then wrapped around the exterior surface of the stent. (Martin, column 14, lines 18-22).

Thus, Martin discloses a prosthesis which is formed by individually placing different components of the prosthesis over a mandrel. Accordingly, Martin fails to disclose a stent/graft composite device formed from a flat preformed planar strip and stent assembly. Therefore, because Martin fails to disclose each and every element as set forth in independent claim 1, withdrawal and reconsideration of the rejection of claim 1 and all claims dependent therefrom are respectfully requested.

Further, Martin fails to teach or suggest a stent/graft composite device formed from a flat preformed planar strip and stent assembly as Martin teaches that its prosthesis is to be formed by individually placing different components of the prosthesis over a mandrel. Thus, claim 1 and all claims dependent therefrom are patentably distinct over Martin

Claims 1-9, and 11-13 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,264,684 to Banas et al. (hereinafter "Banas"). Applicant respectfully traverses.

Banas discloses a polymeric cladding 11 and a support wire member 14 which may be helically wound to an abluminal wall surface 17 of a tubular substrate 12. (Banas, column 7, line 38, to column 8, line 6). The wire member 14 is encapsulated within the cladding 11 (see Figures 5-11) by coextrusion or dipping techniques. (Banas, column 7, lines 56-67). Alternatively, as shown in Figure 12, wire member 14 may be placed in a longitudinally extending recess dimensioned into the cladding 11 for receiving and retaining the wire member 14. (Banas, column 7, lines 57-63).

Thus, Banas discloses either a wire encapsulated in a cladding assembly or a complex three-dimensionally formed cladding for receiving its wire member.

In contrast, the present invention is formed from an essentially flat planar strip having a planar stent attached onto one of the opposed essentially flat planar surfaces of the strip. Being flat, the planar strip does not have significant three-dimensional features, such as the recess or groove of Banas. (See specification, paragraph [0058]). Also, because the wire of the present invention is attached onto one of the flat surfaces of the planar strip to form a planar strip assembly, such a strip assembly is not an encapsulated assembly formed by coextrusion or dipping techniques, as disclosed by Banas.

Therefore, Banas fails to disclose each of the claimed features of the present invention. Thus, reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e) of independent clam 1 and all claims dependent therefrom are respectfully requested.

Furthermore, Banas fails to teach or suggest the present invention as set forth in independent claim 1. Banas fails to teach or suggest a flat planar strip which is substantially free of a groove or recess and a planar stent attached to one of the strip's planar surfaces. Banas teaches that planar wires must be encapsulated in graft material or must be placed in a

groove or recess of graft material for forming its stent/graft. Therefore, the present invention is patentably distinct over Banas.

Summary

Therefore, Applicant respectfully submits that independent claim 1, and all claims dependent therefrom, are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 08-2461.

Respectfully submitted,

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